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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,080	05/15/2001	Kevin Collins	10006721-1	2538

7590 10/20/2006

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EXAMINER

BATURAY, ALICIA

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/858,080	COLLINS ET AL.
	Examiner	Art Unit
	Alicia Baturay	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 July 2006.
- 2a) This action is FINAL.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. In view of the appeal brief filed on 25 July 2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Courtright, II et al. (U.S. 6,157,963).

4. With respect to claim 1, Courtright teaches a method for managing transactions at a network storage device comprising:

Receiving an incoming transaction at the network storage device (Courtright, col. 4, lines 52-58); and assigning a priority to the incoming transaction relative to other incoming transactions at the network storage device based at least in part on a usage policy (Courtright, col. 4, lines 58-67).

5. With respect to claim 2, Courtright teaches the invention described in claim 1, including a method further comprising receiving the usage policy at a network storage device (Courtright, col. 8, lines 31-42), and where the network storage device is a NAS device (Courtright, col. 1, lines 13-19).

6. With respect to claim 3, Courtright teaches the invention described in claim 1, including a method further comprising:

Reading meta data from the transaction; and comparing the meta data to a number of rules defined in the usage policy, where assigning the priority to the transaction is based on at least part of the meta data satisfying at least one condition of the number of rules (Courtright, col. 4, lines 52-58).

7. With respect to claim 4, Courtright teaches the invention described in claim 1, including ordering the transaction among other transactions in a queue at the network storage device (Courtright, col. 8, line 63 – col. 9, line 3).
8. With respect to claim 5, Courtright teaches a method for managing transactions at a network storage device, comprising:

Generating a usage policy for the network storage device; and distributing the usage policy to the network storage device for prioritizing a plurality of incoming transactions received at the network storage device relative to one another (Courtright, col. 8, lines 31-42).

9. With respect to claim 6, Courtright teaches the invention described in claim 5, including a method further comprising identifying the network storage device on a network (Courtright, col. 1, lines 13-19), and where the network storage device is a NAS device (Courtright, col. 1, lines 13-19).

10. With respect to claim 7, Courtright teaches the invention described in claim 5, including a method where the usage policy comprises a number of rules, each including meta data and a corresponding priority (Courtright, col. 4, lines 52-67).
11. With respect to claim 12, Courtright teaches the invention described in claim 8, including an apparatus where the usage policy comprises a number of default rules (Courtright, col. 6, line 1 – col. 7, line 3).
12. With respect to claim 13, Courtright teaches an apparatus for managing a plurality of incoming and outgoing transactions at a network storage device, comprising:  
Computer readable storage medium (Courtright, col. 3, lines 55-61); and computer readable program code residing in the storage medium, including program code for defining a usage policy for prioritizing the plurality of incoming and outgoing transactions relative to one another (Courtright, col. 5, lines 7-20).
13. With respect to claim 14, Courtright teaches the invention described in claim 13, where the computer readable program code resides at a policy management server and further comprises program code for distributing the usage policy to the network storage device (Courtright, col. 8, lines 31-42).
14. Claims 8-11, 15, 16 and 18-21 do not teach or define any new limitations above claims 1-3 and 13 and therefore are rejected for similar reasons.

*Response to Arguments*

15. Applicant's arguments filed 25 July 2006 have been fully considered, but they are not persuasive for the reasons set forth below.
  
16. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

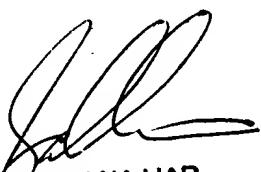
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at M-Th 7:15 - 5pm, 2nd Fridays 7:15-3:45, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay  
October 13, 2006



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER